

53rd at Third
885 Third Avenue
New York, New York 10022-4834
Tel: +1.212.906.1200 Fax: +1.212.751.4864
www.lw.com

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LATHAM & WATKINS LLP

April 26, 2019

VIA EMAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Judge
United States Bankruptcy Court
for the Southern District of New York
One Bowling Green
New York, New York 10004

Re: Picard v. ABN AMRO Bank (Ireland), Ltd., et al, Adv. Pro. No. 10-05355
(SMB)

Dear Judge Bernstein:

We write jointly on behalf of the Trustee and Defendants regarding the Defendants' Motion to File Under Seal Portions of their Memorandum of Law in Opposition to Trustee's Motion for Leave to File Second Amended Complaint and Accompanying Declaration and Exhibits ("Motion to Seal") (ECF No. 168), which was granted by the Court on April 25, 2019 (the "Order") (ECF No. 171).

On April 23, 2019, Defendants filed under seal their Memorandum of Law in Opposition to Trustee's Motion for Leave to File Second Amended Complaint (the "Opposition") (ECF No. 169) and the Declaration of Thomas J. Giblin in Support of Defendants' Opposition to Trustee's Motion for Leave to File Second Amended Complaint (ECF No. 170) (the "Declaration"), pending the Motion to Seal. Defendants then filed redacted versions of the Opposition and the Declaration on the public docket of this adversary proceeding as well as the consolidated proceeding (*SIPC v. BLMIS*, Adv. Pro. No. 08-1789, ECF Nos. 18683, 18684). Defendants filed the Motion to Seal because Exhibits C-G to the Declaration had previously been designated as confidential, and the Opposition referenced and quoted information from those exhibits.

However, the parties had agreed to remove the confidentiality designations applicable to those documents on July 30, 2012. Accordingly, Defendants are prepared to withdraw the Motion to Seal, and to file unredacted versions of the Opposition and the Declaration. In light of that, the Defendants and the Trustee respectfully request that the Court cancel the May 29th conference scheduled by the Order.

L. Grankel
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Respectfully submitted,

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By: /s/ Thomas J. Giblin

Thomas J. Giblin

Attorneys for ABN AMRO Bank (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Bank (Ireland) Ltd.) (n/k/a ABN AMRO Retained Custodial Services (Ireland) Limited) and ABN AMRO Custodial Services (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Custodial Services (Ireland) Ltd.)

BAKER & HOSTETLER LLP

By: /s/ A. Mackenna White

A. Mackenna White

Attorneys for Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff